

14
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eberhard Klein et al.
Serial No. : 10/502,430
Filing Date : July 22, 2004
PCT No. : PCT/DE02/03408
For : METHOD AND DEVICE AS WELL AS COMPUTER
PROGRAM FOR CONTROLLING AN INTERNAL
COMBUSTION ENGINE
Examiner : to be assigned
Art Unit : to be assigned
Confirmation No. : 8129

Mail Stop PCT
Commissioner for Patents
OFFICE OF PCT LEGAL ADMINISTRATION
P. O. Box 1450
Alexandria, VA. 22313-1450

**ATTENTION: OFFICE OF PCT LEGAL
ADMINISTRATION**

3rd RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

This "3rd RENEWED PETITION" is in response to the "Decision on Petition under 37 C.F.R. 1.181" mailed on May 23, 2007 (hereinafter "3rd Decision"), which "3rd Decision" maintained the holding of abandonment contained in the "Decision on Petition under 37 C.F.R. 1.181" mailed on January 29, 2007. In the 3rd Decision, it was indicated that the "quantity of English text provided for the translation of figure 4 appears to be more than the quantity of the original text of figure 4." In response, please find attached a new translation of Figure 4 which identically corresponds to the original text of Figure 4, and which translation is fully supported by the original specification. In the attached new translation of Figure 4, Applicants have maintained the variables "etadzw," "dzw," "KFETADZW," and "wnwaö," since these variables have been used in the original English translation of the

EXPRESS MAIL NO. : EM 007631324 US
NY01 1371645 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Eberhard Klein et al.
Serial No. : 10/502,430
Filing Date : July 22, 2004
For : METHOD AND DEVICE AS WELL AS COMPUTER
PROGRAM FOR CONTROLLING AN INTERNAL
COMBUSTION ENGINE
Examiner : to be assigned
Art Unit : to be assigned
Confirmation No. : 8129

Mail Stop: **Petition**
Commissioner for Patents
P. O. Box 1450
Alexandria, VA. 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

Applicants hereby petition to have the Notice of Abandonment, dated August 21, 2006, for the above-identified patent application withdrawn. The following facts are pertinent:

Applicants received a Notification of Missing Requirements mailed November 16, 2004, for the above application. In response to the Notification of Missing Requirements, applicant forwarded via Express Mail on January 5, 2005, a Submission of Declaration and Power of Attorney.

On March 21, 2005, applicants received a Notification of Defective Response for the above application. In response to the Notification of Defective Response, applicants forwarded via Express Mail on April 21, 2005, a Response to Notification of Defective Response.

Copies of the Response to Notification of Defective Response, the English language translation of the text of Figure 4, and the postcard bearing the PTO acknowledgment stamp date of April 21, 2005, are enclosed.

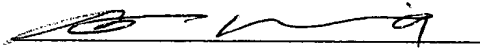
It is therefore respectfully submitted that the Response to Notification of Defective Response sent via Express Mail on April 21, 2005, was timely filed, that the applicants responded timely to the Notification of Missing Requirements, and that the Notice of Abandonment was issued as a result of a Patent Office error. It is therefore respectfully requested that this abandonment be withdrawn.

As this petition was necessitated by Patent Office error, no fee is believed to be required. However, if any fee is required, the Commissioner is authorized to charge **Deposit Account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600**. A copy of this petition is enclosed for that purpose.

Respectfully submitted,
KENYON & KENYON LLP

Date

9/21/06


Gerard A. Messina, Reg. No. 35,952
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
26646

EXPRESS MAIL NO. EV 839 763 439 US

EV301583864U

JC10 Rec'd PCT/PTO 21 APR 2005

Case No. 191/3445

Atty. Gerni

Ser. No. 101502430

Due Date 4/21/05

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

Response to notification of Defective Response

☐ Application

☐ Extension Request

☐ Amendment

☐ Priority Document

☐ Assignment

☐ Issue Fee

☐ Notice of Appeal

☐ Declaration

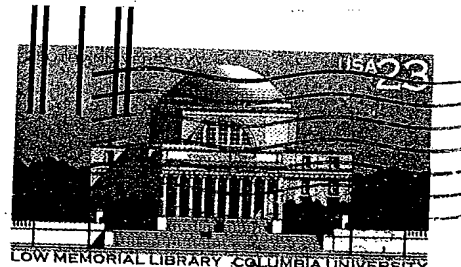
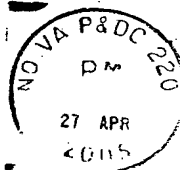
☐ Prior Art Statement

☐ Small Entity

☐ Appeal Brief

☒ Dep acct #110600

Copy of notification of a Defective Response
English language translation of The Text of Figure 4



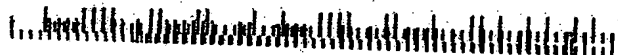
Kenyon & Kenyon

One Broadway

New York, N.Y. 10004

27 PM 2:08

37 82
© 2003 USPS recycled



EV331383864US

Case No. 101913445
Ser. No. 101502430

Atty. Gen.

Due Date 4/21/05

The Impressed Mail Room date stamp acknowledges receipt of the date indicated of:

- ☐ Application
☐ Amendment
☐ Assignment
☐ Notice of Appeal
☐ Prior Art Statement
☐ Appeal Brief
- ☐ Extension Request
☐ Priority Document
☐ Issue Fee
☐ Declaration
☐ Small Entity

☒ Dep. Act #170600
Copy of notification of a Defective Response
English language translation of the text of Figure 4

EV331383864US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : KLEIN et al.
International Application No. : PCT/DE02/03408
International Filing Date : 12 September 2002
U.S. Serial No. : 10/502,430
For : **METHOD AND DEVICE AS WELL AS
COMPUTER PROGRAM FOR
CONTROLLING AN INTERNAL
COMBUSTION ENGINE**

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

S I R :

In response to the Notification of Defective Response mailed March 21, 2005, Applicants submit herewith an English language translation of the text of Figure 4 for above-referenced International Application. A copy of the Notification of Defective Response is also enclosed.

The Office is authorized to charge the \$130.00 fee to cover the surcharge for late filing of the English translation to Deposit Account No. 11-0600.

The Office is also hereby authorized to charge Deposit Account No. 11-0600 with any additional fees required by this paper or credit any overpayment. An additional copy of this letter is enclosed for this purpose.

Respectfully submitted,

KENYON & KENYON

Date: 4/21/05

By: [Signature] BLM 35,852
Richard L. Mayer
Reg. No. 22,490

One Broadway
New York, NY 10004
Tel: (212) 425-7200
Fax: (212) 425-5288

EU331383864us

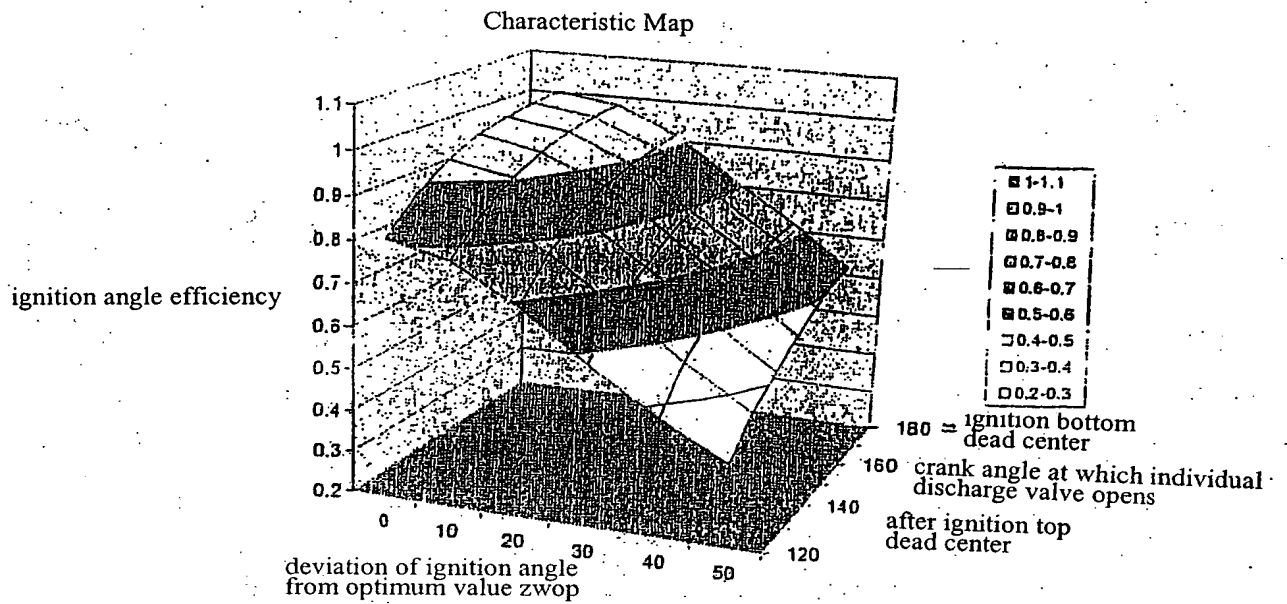


FIGURE 4

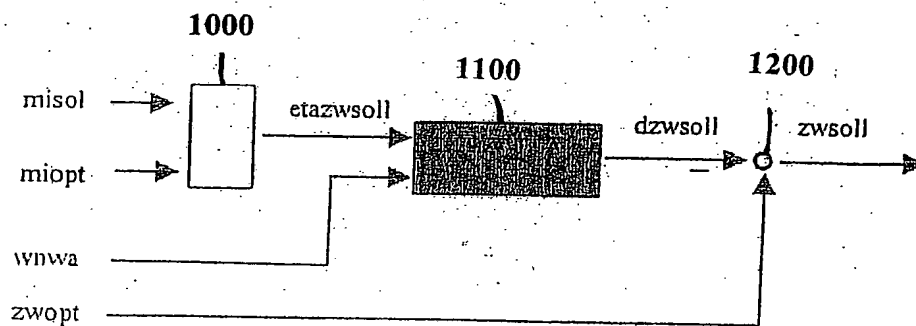


FIGURE 5